

House File 216

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1 3 AN ACT
1 4 RELATING TO INTELLIGENCE DATA AND INTELLIGENCE ASSESSMENT
1 5 DISSEMINATION TO AN AGENCY, ORGANIZATION, OR PERSON, AND
1 6 PROVIDING AN EFFECTIVE DATE.
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1 8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 9
1 10 Section 1. Section 692.1, Code 2003, is amended by adding
1 11 the following new subsection:
1 12 NEW SUBSECTION. 12A. "Intelligence assessment" means an
1 13 analysis of information based in whole or in part upon
1 14 intelligence data.
1 15 Sec. 2. Section 692.8, unnumbered paragraph 2, Code 2003,
1 16 is amended to read as follows:
1 17 Intelligence data in the files of the department may be
1 18 disseminated only to a peace officer, criminal or juvenile
1 19 justice agency, or state or federal regulatory agency, and
1 20 only if the department is satisfied that the need to know and
1 21 the intended use are reasonable. However, intelligence data
1 22 may also be disseminated to an agency, organization, or person
1 23 when disseminated for an official purpose, and in order to
1 24 protect a person or property from a threat of imminent serious
1 25 harm. Whenever intelligence data relating to a defendant or
1 26 juvenile who is the subject of a petition under section 232.35
1 27 for the purpose of sentencing or adjudication has been
1 28 provided a court, the court shall inform the defendant or
1 29 juvenile or the defendant's or juvenile's attorney that it is
1 30 in possession of such data and shall, upon request of the
1 31 defendant or juvenile or the defendant's or juvenile's
1 32 attorney, permit examination of such data.
1 33 Sec. 3. Section 692.8A, Code 2003, is amended to read as
1 34 follows:
1 35 692.8A REDISSEMINATION DISSEMINATION OF INTELLIGENCE DATA.
2 1 1. A criminal or juvenile justice agency, state or federal
2 2 regulatory agency, or a peace officer shall not disseminate
2 3 intelligence data, which has been received from the department
2 4 or bureau or from any other source, outside the agency or the
2 5 peace officer's agency unless all of the following apply:
2 6 1- a. The intelligence data is for official purposes in
2 7 connection with prescribed duties of a criminal or juvenile
2 8 justice agency.
2 9 2- b. The agency maintains a list of the agencies,
2 10 organizations, or persons receiving the intelligence data and
2 11 the date and purpose of the dissemination.
2 12 3- c. The request for intelligence data is based upon
2 13 name, fingerprints, or other individually identified
2 14 characteristics. The agency disseminating the intelligence data
2 15 is satisfied that the need to know and the intended use are
2 16 reasonable.
2 17 2. Notwithstanding subsection 1, a criminal or juvenile
2 18 justice agency, state or federal regulatory agency, or peace
2 19 officer may disseminate intelligence data to an agency,
2 20 organization, or person when disseminated for an official
2 21 purpose, and in order to protect a person or property from a
2 22 threat of imminent serious harm, and if the dissemination
2 23 complies with paragraphs "b" and "c" of subsection 1.
2 24 3. An agency, organization, or person receiving
2 25 intelligence data from a criminal or juvenile justice agency,
2 26 state or federal regulatory agency, or a peace officer
2 27 pursuant to this chapter may only redisseminate the
2 28 intelligence data if authorized by the agency or peace officer
2 29 providing the data. A criminal or juvenile justice agency,
2 30 state or federal regulatory agency, or a peace officer who
2 31 disseminates intelligence data pursuant to this chapter may
2 32 limit the type of data released in order to protect the
2 33 intelligence methods and sources used to gather the data, and
2 34 may also place restrictions on the redissemination by the
2 35 agency, organization, or person receiving the intelligence
3 1 data. An agency, organization, or person receiving
3 2 intelligence data is also subject to the provisions of this
3 3 chapter and shall comply with any administrative rules adopted
3 4 pursuant to this chapter.
3 5 4. This section shall not be construed to prohibit the

3 6 dissemination of an intelligence assessment to any agency or
3 7 organization if necessary for carrying out the official duties
3 8 of the agency or organization, or to a person if disseminated
3 9 for an official purpose, and if necessary to protect a person
3 10 or property from a threat of imminent serious harm.

3 11 Sec. 4. Section 692.18, unnumbered paragraph 2, Code 2003,
3 12 is amended to read as follows:

3 13 Intelligence data in the possession of ~~the department or~~
3 14 ~~bureau, a criminal or juvenile justice agency, state or~~
3 15 ~~federal regulatory agency, or peace officer~~ or disseminated by
3 16 ~~the department or bureau such agency or peace officer~~, are not
3 17 public records within the provisions of chapter 22.

3 18 Sec. 5. EFFECTIVE DATE. This Act, being deemed of
3 19 immediate importance, takes effect upon enactment.

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3 24 CHRISTOPHER C. RANTS
3 25 Speaker of the House

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3 27 _____
3 28 MARY E. KRAMER
3 29 President of the Senate

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3 31 I hereby certify that this bill originated in the House and
3 32 is known as House File 216, Eightieth General Assembly.

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3 35 _____
4 1 MARGARET THOMSON
4 2 Chief Clerk of the House

4 3 Approved _____, 2003

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4 7 THOMAS J. VILSACK
4 8 Governor